NOTIFICATION.

No. B. 3409—L. W. 141-47-3, dated the 29th March 1948.

Draft of the Mysore Payment of Wages (Procedure) Rules.

The following draft of the Mysore Payment of Wages (Procedure) Rules, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 25 of the Payment of Wages Act, 1948 (III of 1948) is hereby published for general information as required by sub-section (5) of the said section.

Notice is hereby given that the draft will be taken into consideration after three months and three days from the date of publication in the Gazette and that any objection or suggestion which may be received from any person with respect thereto before the date aforesaid will be considered by the Government of Mysore. Objections and suggestions should be addressed to the General Secretary to Government through the Commissioner of Labour in Mysore, Bangalore.

MOHAMED ISMAIL SHERIFF, *Genl. Secy.*

Draft Rules.

Short title.

1. These rules may be called the Mysore Payment of Wages (Procedure) Rules, 1948.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context—

(*a*) "the Act" means the Payment of Wages Act (III of 1948);

(*b*) "appeal" means an appeal under Section 17;

(*c*) "the authority" means the authority appointed under sub-section (1) of Section 15;

(*d*) "the Court" means the court mentioned in sub-section (1) of Section 17;

(*e*) "employer" includes the persons responsible for the payment of wages under Section 3;

(*f*) "section" means a section of the Act;

(*g*) "form" means a form appended to these rules;

(*h*) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

Form of application.

3. Applications under sub-section (2) of Section 15 by or on behalf of an employed person or group of employed persons shall be made in duplicate in Form A, Form B or Form C as the case may be, one copy of which shall bear such court-fee as may be prescribed.

Authorisation.

4. The authorisation to act on behalf of an employed person or persons, under Section 15, shall be given by a certificate in Form D, shall be presented to the Authority hearing the application and shall form part of the record.

Permission to appear.

5. Any person desiring the permission of the Authority to act on behalf of any employed person or persons shall present to the Authority a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement, which in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

Presentation of documents.

6. (1) Application or other documents relevant to an application may be presented in person to the Authority at any time during the hours to be fixed by the Authority, or may be sent to him by registered post.

(2) The Authority shall at once endorse, or cause to be endorsed on each document, the date of the presentation or receipt, as the case may be.

Refusal to entertain application.

7. (1) The Authority may refuse to entertain an application presented under rule 6, if after giving the applicant an opportunity of being heard, the Authority is satisfied, for reasons to be recorded in writing that—

(*a*) the applicant is not entitled to present an application, or

(*b*) the application is barred by reason of the provisions in the provisos to sub-section (2) of Section 15, or

(*c*) the applicant shows no sufficient cause for making a direction under Section 15.

(2) The Authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete and, if he so refuses, shall return it at once with an indication of the defects. If the application is presented again after the defects have been made good, the date of re-presentation shall be deemed to be the date of presentation for the purposes of the provisos to sub-section (2) of Section 15.

Appearance of parties.

8. (1) If the application is entertained, the Authority shall call upon the employer by a notice in

Form E to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application *ex parte*.

(3) If the applicant fails to appear on the specified date, the Authority may dismiss the application :

Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the applicant re-heard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for re-hearing.

Record of proceedings.

9. (1) The Authority shall in all cases enter the particulars indicated in Form F and at the time of passing orders shall sign and date the Form.

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the Authority shall record the substance of the evidence and shall append it under his signature to the record of direction in Form F.

Signature on forms.

10. Any form, other than a Record of Direction, which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

Exercise of powers.

11. In exercising the powers of a Civil Court conferred by Section 18, the Authority shall be guided in respect of procedure by the relevant orders of the First Schedule of the Code of Civil Procedure, 1911, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Act or these rules.

Appeals.

12. (1) An appeal shall be preferred in duplicate in the form of a memorandum, one copy of which shall bear the prescribed court-fee, setting forth concisely the grounds of objection to the directions and shall be accompanied by a certified copy of that direction.

(2) When an appeal is lodged a notice shall issue to the respondent in Form G.

(3) The Court after hearing the parties and after such further inquiry, if any, as it may deem necessary,

may confirm, vary, or set aside the direction from which the appeal is preferred, and shall make an order accordingly.

Inspection of documents.

13. Any employed person, or any employer or his representative, or any person permitted under sub-section (2) of Section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the Authority or the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on the payment of such fees as may be prescribed.

FORM A.

Form of Individual Application.

(See sub-section (2) of Section 15 of the Payment of Wages Act).

In the Court of the Authority appointed under the Payment of Wages Act (III of 1948) for ..... area.

Application No. of 194 .

Between A. B. C. Applicant.

(through) a legal practitioner, / an official of which is a registered Association.

And X. Y. Z. Opposite party.

The applicant states as follows :—

1. A. B. C. is a person employed in/on the..... factory/railway/industrial establishment entitled..... and resides at.....

The address of the applicant for the service of all notices and processes is.....

2. X. Y. Z., the opposite party, is the person responsible for the payment of his wages under Section 3 of the Act, and his address for the service of all notices and processes is.....

3. (1) The applicant's wages have not been paid for the following wage period(s) (give dates)

Or a sum of (amount) has been unlawfully deducted from his wages of (amount) for the wage period(s) which ended on (give date/s).

(2) (Here give any further claim or explanation).

4. The applicant estimates the value of the relief sought by him at the sum of rupees.....

5. The applicant prays that a direction may be issued under sub-section (3) of Section 15 for :—

(*a*) Payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or refund of the amount illegally deducted.

(*b*) Compensation amounting to

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the employed person, or legal practitioner, or official of Registered Association duly authorised.

FORM B.

Form of Group Application.

(See sub-section (2) of Section 15 and Section 16 of the Payment of Wages Act).

In the Court of the Authority appointed under the Payment of Wages Act (III of 1948) for area.

Application No. of 194 .

Between A. B. C. and (state the number) others, applicants : (through a legal practitioner/an official of which is a registered Association).

And X. Y. Z. , Opposite party.

The applicants state as follows:—

1. The applicants whose names appear in the attached schedule are persons employed in/on the factory/railway/industrial establishment entitled.....

The address of the applicants' for service of all notices and processes is .....

2. X. Y. Z., the opposite party, is the person responsible for the payment of wages under Section 3 of the Act, and his address for the service of all notices and processes is.....

3. The applicants' wages have not been paid for the following wage period(s):—

4. The applicants estimate the value of the relief sought by them at the sum of rupees.....

5. The applicants pray that a direction may be issued under sub-section (3) of Section 15 for :—

(*a*) Payment of the applicant's delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

(*b*) Compensation amounting to.....

The applicants certify that the statement of facts contained in this application is to the best of their knowledge and belief accurate.

Signature or thumb impression of two of the applicants, or legal practitioner, or an official of a registered trade union duly authorised.

SCHEDULE.

Name of applicants :—

1.
2.
3.
4.
*
*

FORM C.

Form of Application by an Inspector or person permitted by the Authority or authorised to act.

(See sub-section (2) of section 15 and Section 16 of the Payment of Wages Act).

In the Court of the Authority appointed under the Payment of Wages Act, for area,

Application No. of 194 .

Between

A.B.C., (designation) an Inspector under the Payment of Wages Act) (or a person permitted by the Authority/authorised to act under sub-section (2) of section 15) ..... applicant.

And

X. Y. Z. the opposite party.

The applicant states as follows :—

1. X. Y. Z., the opposite party is the person responsible under the Act for the payment of wages to the following person (s) :—

(1)
(2)
(3)
*
*

2. His address for the service of all notices and processes is .....

3. The wages of the said person(s) due in respect of the following wage period(s) have not been paid/have been subjected to the following illegal deductions ;—

4. The applicant estimates the value of the relief sought for the person(s) employed at the sum of Rs.....

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for.—

(*a*) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or refund of the amount illegally deducted.

(*b*) Compensation amounting to.....

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature.

FORM D.

Certificate of Authorisation.

I/We, employed person(s) hereby authorise a legal practitioner/an official of.....which is a registered association to act on my/our behalf under section 15, and section 17 of the Payment of Wages Act (III of 1948) in respect of the claim against on account of the delay in payment of/ illegal deductions from my/our wages for

Witnesses	(1)	Signatures	(1)
	(2)		(2)
	(3)		(3)
	(4)		(4)
	*		*
	*		*
	*		*

I accept the authorisation. Signature.

Legal practitioner/Official of a Registered Association.

FORM E.

Notice for the Disposal of Application.

To

WHEREAS under the Payment of Wages Act, 1948 (III of 1948), a claim against you has been presented to me in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person, or by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the day of 19 at o'clock in the fore/after noon to answer the claim; and as the day fixed for

your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Given under my hand and seal, this day of 19 .

(Seal) Authority

FORM F.

Record of Direction.

(1) Serial Number.
(2) Date of application.
(3) Name or names, parentage, addresses address or of the applicants, or some, or all of the applicants belonging to the same unpaid group.
(4) Name and address of the employer.
(5) Amount claimed :—
  (*a*) as delayed wages : Rs.
  (*b*) as deducted from wages : Rs.
(6) Plea of the employer and his examination (if any) :—
(7) Finding, and, in the case of a direction under sub-section (3) or (4) of section 15, a brief statement of the reasons therefor :—

Rs.

(8) Amounts awarded :—
  (*a*) Delayed wages.
  (*b*) Deducted wages.
(9) Compensation awarded.
(10) Penalty imposed.
(11) Costs awarded to :—
  (i) Court-fee charges.
  (ii) Pleader's fee.
  (iii) Witnesses expenses.

Signed.....

Dated.....

NOTE.—In cases where an appeal lies attach on a separate sheet the substance of the evidence.

FORM G.

Notice to Respondent of the Day fixed for the Hearing of the Appeal under Section 17 of the Payment of Wages Act, 1948.

Appeal from the decision of the Authority for the area, dated the day of 19 .

To

Respondent.

Take notice that an appeal of which a copy is enclosed from the decision of the Authority for area has been presented by X. Y. Z. (and others), and registered in this Court, and that the day of 19 has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, or by some one by law authorised to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

(Seal of the Court).

NOTIFICATIONS.

No. S. D. 7140—C. 100-47-42, dated Bangalore, the 29th March 1948.

In exercise of the powers conferred by Sub-Rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act XX of 1947, the Government of His Highness the Maharaja are pleased to direct that " the Controlled Commodities " and " Controlled Foodgrains Transport Order, 1943 " published under Notification No. S. D. 15187-28, dated 6th April 1943 be repealed with effect from the date of publication of this notification and to further direct with reference to Sub-Rule (1) of Rule 119 of the said Rules that notice of the same be given by the publication of the said notification in the Official Gazette and by the issue of a Press Note summarising and explaining its provisions.

No. S. D. 7169—C. 73-47-53, dated Bangalore, 29th March 1948.

Under Section 3 of the Essential Supplies (Temporary Powers) Act, 1947 (XXIV of 1946) as applied to the Civil and Military Station, Bangalore, and continued in the Civil Station, Bangalore, by the Retrocession (Application of Laws) Act, 1947 (XXIII of 1947), the Government of His Highness the Maharaja of Mysore are hereby pleased to direct that the following amendment shall be made in Notification No. 1—1946 (F. D.), dated 18th January 1946 issued by the Collector and Controller of Civil Supplies, Civil Station, Bangalore.

AMENDMENT.

In the Schedule annexed to the said Notification, for the existing Serial Nos. 12, 14, 18 and 26, substitute the following:—

Sl. No.	Name of commodity	Wholesale price	Retail price
			Rs. a. p.
12	Wheat ...	Rs 39-3-0 per bag of 236 lbs. nett.	0 2 9 per lb.
14	Wheat flour (Elgin Mills).	Rs. 39-7-0 per bag of 196 lbs. nett.	0 3 4 per lb.
18	Bran ...	Rs. 14 per 100 lbs. loose Ex-Elgin Mills.	
		Rs. 14-2-0 per 100 lbs (loose) Ex-Sub-Depot.	0 2 5
26	Bread ...	Loaf of 2 lbs. ...	0 10 0
		Do 1 lb. ...	0 5 0
		Do ½ lb. ...	0 2 6
		Do ¼ lb. ...	0 1 3

This amendment shall come into force with effect from 15th December 1947.

No. S.D. 7191—C, 21-47-85, dated Bangalore, the 30th March 1948.

In exercise of the powers conferred by Rule 81 of the Defence of India Rules, as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (XX of 1947), the Government of His Highness the Maharaja are hereby pleased to make the following Order and to direct with reference to Rule 119 of the said Rules that notice of this Order be given by publishing it in the Gazette and issue of a Press Note explaining its provisions :—

1. (1) This Order may be called the Mysore Kerosene Price-Control Order, 1948.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context :—

(*a*) "Controller" means the person appointed by Government as the Kerosene Controller and includes any other person authorised by him to exercise all or any of the powers of the Controller under this Order.

(*b*) "Dealer" means a person carrying on the business of selling kerosene oil, whether wholesale or retail.

3. (1) The Controller may, from time to time, by notification in the Official Gazette, fix the prices at which kerosene may be sold either wholesale or retail.

(2) Where the prices have been so fixed, no person shall sell or offer to sell kerosene at prices in excess of those fixed by the Controller under this clause.

4. Every dealer shall comply with such directions as may be given by the Controller for carrying out the provisions of this Order.

5. Every dealer shall maintain such accounts in such manner and in such form as may be specified by the Controller by general or special Order.

6. If any person contravenes the provisions of this Order, then without prejudice to any other punishment to which he may be liable, any Court trying the offence may order that the Kerosene together with the receptacles in which it is contained in respect of which the Court is satisfied that the offence has been committed, shall be forfeited to the Government.

7. Any Officer authorised by the Controller may enter upon and inspect any premises in which he has reason to believe that the purchase or sale or both of

kerosene is taking place contrary to the provisions of this Order.

8. Every retail dealer shall have in his possession ready for use in his place of business at least one measure whose capacity in ounces is marked clearly upon it and which is of such capacity as to enable the dealer to measure out readily one bottle, half a bottle and quarter of a bottle. For the purposes of this clause a bottle shall mean a bottle with a capacity of 24 fluid ounces.

A. S. KHALEEL, *Food and Civil Supplies Secy.*

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